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ABSTRACT

Local governance of education is based on recognizing and protecting the rights of minorities while attempting to meet the needs of all. Legally, various courts across the country have upheld the rights of school officials to make choices regarding curriculum textbooks, library books, and general subject matter. Board policy should include the following: (1) an up-to-date policy on selection of curriculum and materials including a citizen advisory committee; (2) a period of written public comment on the proposed curriculum with materials available for public viewing; (3) a policy regarding complaints and/or reconsideration of existing curricula or instructional materials; and (4) enforcement of procedural rules at public board meetings. The political response to pressure groups is to identify the challenge by researching the challenging organization's tactics carefully and to designate a representative to field all questions on the subject under debate. The School District of Oconee County in Walhalla, South Carolina, provides a practical example of preparation and planning. Following public discussion of the issues, the school board initiated a citizens committee that utilized a 10-step review procedure. Appended is a list of five organizations that can help school boards meet the challenge. (MLF)

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Updating SCHOOL BOARD POLICIES

Volume 23/Number 9/December1992

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Pressure Groups and the Politics of Education

by Christine Morris

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Pressure Groups and the Politics of Education

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Schools are the places where young minds are molded, thought processes are developed, social values are reinforced and acceptable social behavior is fashioned. Increasingly, individual citizens, as well as religious and civic groups and organizations, across this nation are developing a keen interest in what is taught, read, viewed and discussed in our public schools. Parents, teachers, students, school board members, and administrators all have an obvious interest regarding what goes on in our schools, but so do people with no local affiliation or direct connection to the district.

People representing the political spectrum of ideas and beliefs, people worried about social mores and the future of a sometimes less than admirable society, look to the public schools as a mechanism either to foster change or to stifle it. So-called liberals want an expanded role for the schools in shaping our society. They claim that schools are the logical place to teach self-esteem, health education, family life education, HIV/AIDS education, and values, while others maintain that such topics should be confined to the home and that the overall tone of education should be based on the tenets of religious beliefs.

When a school board takes an action that is contrary to an individual's or a group's idea of what the public schools should be doing, it frequently runs into controversy and now, more commonly, into political and social pressures from interested, well-organized parties. State school boards associations and individual school districts are reporting growing numbers of attempts by special interest groups to control what is taught in the public schools, and to ensure that the curriculum reflects the groups' specific beliefs.

Christine Morris is a researcher and policy analyst. She was formerly the Project Associate with NSBA's Comprehensive School Health Education project.

The Growing Challenge

During the past several months, the National Education Policy Network (NEPN) has talked with school districts and state school boards associations across the country that are responding to challenges from many groups — challenges to specific curriculum, to teaching methods, to school district goals and objectives, and to school boards themselves.

From the Midwest to the Southwest, from the Far West to the Southeast, school boards are seeking the means and methods for responding to attempts to discredit and remove curricula and programs designed to provide the thinking and decision making skills our children need to be productive, responsible citizens in 21st century America.

Challenges to school board decisions and school district operations can, and do, come from any of a number of special interest groups or individuals who have strongly-held opinions. No one, least of all school board members and educators, would want to restrict those challenges because one of the strengths of a democracy is the dedication to preserving and protecting the rights of any group or individual to challenge the "system."

We welcome, even thrive on, the diversity of our society — whether political, religious, or cultural. We Americans define our democracy as the system within which we recognize and protect the rights of minorities while attempting to meet the needs of all. Indeed, local governance of education is based on that foundation.

The remainder of this article will consider the legal, policy, political, and practical responses that school boards might develop in dealing with the requests — and sometimes, the demands — of special groups.

The Legal Response to Curriculum and Program Challenges

Various courts across the country have upheld the rights of school officials to make choices regarding curriculum, textbooks, library books, and general subject matter.

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The overall message is that school boards have broad authority in and responsibility for deciding what takes place inside the classroom.

In *Smith v. Board of School Commissioners of Mobile County*, 827 F.2d 684 (11th Cir., 1987), the appellate court ruled that officials have broad discretion in establishing public school curricula as long as the constitutional values in the Establishment Clause of the First Amendment are not denigrated. In establishing whether forty-four textbooks on the Alabama state list of approved textbooks violated the Establishment Clause by promoting secular humanism, the court relied on the three-pronged Lemon Test, in which government must 1) reflect a secular purpose, 2) neither advance nor inhibit religion as its primary effect, 3) avoid excessive entanglement with religion, to conclude that "use of the challenged textbooks has the primary effect of conveying information that is essentially neutral in its religious content to the school children who utilize the books" (at 690), and that "even assuming that secular humanism is a religion for purposes of the establishment clause (at 689)...mere consistency with religious tenets is insufficient to constitute unconstitutional advancement of religion." (at 692)

The fact that books are in conflict with individual beliefs does not mean those books violate the Establishment Clause. Indeed, if schools were precluded from using anything that offends any religious belief "there would be very little that could be taught in the public schools." (at 693)

In *Mozert v. Hawkins County Board of Education*, 827 F.2d 1058 (6th Cir.,1987), the plaintiffs, a group of 14 parents, asked that their 17 children be allowed to "opt-out" of a reading course because the textbook series presented a systematic bias against their faith. The court held that "the requirement that public school students study a basal reader series chosen by the school authorities does not create an unconstitutional burden under the Free Exercise Clause when the students are not required to affirm or deny a belief or engage or refrain from engaging in a practice prohibited or required by their religion." (at 1070) The court also noted that under Tennessee law parents can teach their children at home.

In *Island Trees Union Free High School v. Pico*, 457 U.S. 853 (1982), a majority of the court stated a belief—but not a holding—that school districts have nearly unrestricted authority under the First Amendment to make decisions about textbooks and their curricular material. The court was split on school board authority over library books. Since *Pico*, lower federal courts have limited school board authority over library books.

In *Zykan v. Warsaw Community School Corporation*, 631 F.2d 1300 (7th Cir., 1980), the court stated that, in general, school boards "have considerable authority to regulate the specifics of the classroom" and that "educational decisions necessarily involve choices regarding what students should read and hear, and particularly in light of the formative purpose of secondary school education, local discretion thus means the freedom to form an opinion regarding the instructional content that will best transmit the basic values of the community." (at 1305)

So, legally, your district is probably on sound footing with regard to its choice in textbooks, library books and subject materials. However, politically and socially, it is almost impossible to insulate your district from controversy and pressures. Interest groups are likely to surface when changes in policy, school materials or subject matter are introduced.

These groups are generally of two kinds: local interested community members whose children are directly affected by school board action, and statewide or nationally-funded groups who target school districts in an effort to establish a national agenda that reflects their beliefs.

The Policy Response

Prior to controversy, good policy on curriculum selection and instructional materials development will help you outline a strategy for dealing with challenges to board decisions. Make sure you have considered the following:

- An up-to-date policy on selection of curriculum and materials. Make sure your policy is well-defined and accessible to the public.
- Having a citizen advisory committee to aid this process will help build a coalition of advocates for the curriculum. If you choose to convene a committee, make sure it has a wide range of representation from both conservative and liberal factions, as well as professional curriculum experts and persons knowledgeable in the subject area being considered.
- A period of written public comment on the proposed curriculum can alert you to the attitudes of special interest groups in the community and may give you advance warning of organized opposition to curriculum or materials.

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- Having the materials available for public viewing at the school district office, the public library, or some other equally accessible place will serve a two-fold purpose: giving those truly interested a chance to be involved in the process, and providing a response to later challenges that citizens were unaware of the contents of the curriculum or materials.

- A policy regarding complaints and/or reconsideration of existing curricula or instructional materials. This may be your most potent weapon against attacks on existing curricula. If you choose to create this policy, make sure it is very specific about the way challenges are to be brought. Many districts which have survived pressure group tactics have said that time was their most effective ally. An established process very often has the effect of dissipating a bandwagon mentality. Making opponents adhere to a strict code of behavior, as outlined in a policy, allows the board and the superintendent to keep control of volatile situations.

- If an unexpected challenge should arise at public board meetings, make sure everyone follows the procedural rules for that meeting. Do not allow people to speak out of turn, yell, exceed the time limit, or bring any type of voice enhancement devices (e.g. microphones or megaphones), and make sure both challengers and defenders get equal access to floor time.

- When first confronting these challenges it is important to listen and not become defensive. Stay calm and do not make any statements or decisions without first taking time to assess the situation. Find out more about the challenge, discuss the issue among the board after you have all the facts and, then, begin the process of resolving the controversy. If you appear unreasonable or dogmatic at the outset, you may galvanize resistance among community members who have not yet made up their minds. As Casey Stengel once said, it's important to distinguish between people who really hate you and those who haven't made up their minds.

The Political Response

The most critical element in dealing with pressure groups is knowledge. It is essential to identify whether these groups represent concerned local citizens or nationally-funded organizations. Local citizens generally are more responsive to negotiation and problemsolving within the confines of the school setting. Statewide or national organizations generally have an agenda which transcends district interests and, so, are less likely to be open to negotiation.

If the organization you are dealing with has a track record of this type of political involvement, investigating past tactics and the likely progression of events will allow you to be better prepared to effectively deal with them. Bear in mind that all pressure groups have a constitutional right to be heard, and that there are times when material in the curriculum should be removed. Not all challenges are negative in nature.

Identifying the Challenge

When your school board decisions are challenged by pressure groups, the following recommendations from school board members who have been "through the mill" may be helpful:

- Be prepared by keeping abreast of which organizations are making challenges in your state. Periodic monitoring of newspaper editorial columns and metro pages may alert you to the presence of organizations moving into your area. Keep in touch with board members and superintendents of nearby districts. If you are the subject of a challenge, make sure neighboring districts know about it so that they can prepare themselves for similar disputes.

- Research the challenging organization's tactics carefully. Some use legal jargon to confuse and disrupt meetings, often incorrectly quoting from state or local guidelines as a basis for the challenge and sometimes using blatant misrepresentation of facts. For example, in a guidebook produced by Citizens for Excellence in Education, the authors, in making a case for the need for oversight of public education, note that illiteracy has actually increased from three percent in 1900 to 25 percent today. Since the guidebook contains no reference for these statistics, it is impossible to know where the numbers came from or to whom they refer. In fact, it is nearly impossible to make such comparisons since literacy in 1900 meant a person could write his/her name. Additionally, according to the U.S. Bureau of the Census (*Historical Statistics of the United States*), the U.S. illiteracy rate in 1900 was 10.7 percent.

  Charting literacy skills today is much more complicated, involving "prose literacy," "document literacy," and "quantitative literacy." In fact, we have not collected literacy information through the U.S. Census since 1979. In other words, we have only apples and oranges to compare. In order to deflect this common strategy of misinterpretation and misstatement, you will want to make sure that you know how and where to search for the correct information.

- Don't allow a group to "divide and conquer" the board members. Remember you are a team and you

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have made a selection as a team. Designate a representative from the board or the superintendent to field all questions on the subject under debate. If citizens attempt to contact other board members, agree that each of you will make no comment on the subject and will refer all questions to the designated spokesperson.

- Remember, when conflict arises, it affects everyone from the school board members and superintendent to the classroom teachers and students. Keep your teachers, librarians, administrative staff and classroom volunteers informed about your support for their programs and your desire for them to continue "business as usual," or advise them of your reasons for changing positions.

The Practical Response

In terms of the practical response, a school district in South Carolina provides an example of the good planning, empathetic community involvement and basic concern of student well-being that is necessary. Many school districts have encountered the challenges experienced by this district, however, it serves as a standard for the well thought-out and executed approach to dealing with the effects of pressure groups to impose their agendas on school boards and school districts. First, some general advice: Be prepared.

Preparation

Community involvement and support are critical in defending against pressure group challenges. Be prepared by knowing your strengths and using them to your best advantage. Know and cultivate your allies.

- Opponents will come looking for you, so it's your job to go looking for community support before controversy arises. If you have included local citizens in the curriculum selection process, it is likely that your decision is in sync with the community. Therefore, pressure groups are subverting the process; it is, then, your responsibility to protect the interests of the larger community and it is their responsibility to help you.

- Contact the heads of community organizations which represent mainstream opinion. Ask them for their support if challenges should arise. This support should include communicating their supportive position via the established organizational network, gaining access to the local citizenry through television interviews, newspaper interviews, radio talk shows and letters to the editor, and appearing at school board and other public meetings to express their approval for the curriculum, materials or policy at issue.

- Establish a citizens advisory committee to review new curriculum and programs. Do not forget to include local media representatives on your committee. Newspaper, television and radio personnel not only report on what is happening, they are also citizens who live, vote, and send their children to school in the community.

Planning to Deal with Controversy

The School District of Oconee County in Walhalla, South Carolina has done its preparation and planning. It has effectively engaged broad community support in meeting challenges brought by citizens who believe that an elementary instructional program, designed to build self-confidence and increase academic achievement, is a mind-altering curriculum.

The concerned citizens' group has charged that among the dangers presented by the curriculum are the facts that it encourages children to "be independent" and to "think for themselves." While the challenge was brought by a very small group of parents (representing less than four-tenths of one percent of the elementary school population), the Oconee County School Board seriously and responsibly listened to and considered the group's concerns. Following public discussion of the issues raised in objection to the curriculum, through both written complaints and verbal presentations at school board meetings, the school board initiated a citizens committee that utilized the following ten-step review procedure:

Step 1: Formulation of a curriculum review committee composed of parents, clergy, business people, community service representative, educators (including curriculum experts, principals, school psychologists, teachers, counselors, and media specialists), and school board members. (Such an undertaking is not to be taken lightly; it is neither quick nor simple. This committee met every other week for ten weeks; heard hours of presentations and appeals; and read volumes of reports, research documents, and the curriculum itself.)

Step 2: Charge to committee by the superintendent of schools to determine the appropriateness of the program/curriculum in question for use at the elementary school level.

Step 3: Presentation of the program to the committee and distribution of copies of the program, in its entirety, to each committee member.

Step 4: Presentations by complainants, both written and verbal.

Step 5: Presentations by experts, including psychologists, psychiatrists, and attorneys.

Step 6: Presentations by parents in support of the program.

Step 7: Presentation of rationale and research concerning the program, including consideration

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of data to support or negate program claims that it helps in preventing school failure, reducing school dropout rates, increasing academic achievement, and/or decreasing problem behaviors.

Step 8: Formulation of recommendations. To assist in accomplishing this step, the committee considered seven questions about the program/curriculum that addressed issues pertinent to its appropriateness for use in the district's elementary schools. These questions included how the program meets the education and counseling goals of the district; the adequacy of research demonstrating the effectiveness of the program; search for evidence of harmful effects of the program/curriculum on children; the program's legality; and listing of the positive and negative aspects of the curriculum.

Steps 9 and 10 are presentations of the committee's recommendations to the superintendent and to the school board. The committee's final report was announced at a news conference this month, with report copies available for the press and public. As of this writing, the report is under consideration by the school board. A final public discussion and board vote will take place in early 1993.

Meeting the challenge

If your school board is experiencing a challenge to curriculum, materials or policy, you are not alone. The People for the American Way reported in their annual survey of censorship in American schools that there were 264 incidents of attempted censorship during the 1990-91 school year. According to *Education Daily* (August 29, 1991), "...nearly a third of these challenges succeeded in some measure...[S]chools with review policies defeated nearly three-fourths of the challenges to their curricula, while schools without policies succeeded in turning back only half."

You will not be able to stop the challenges, nor should you want to do so. You do want to ensure that you have a strong curriculum selection and review policy that provides for appropriate response to legitimate concerns, as demonstrated by the procedures of the School District of Oconee County. These policies, along with community involvement in your schools and school board members committed to the process, can provide your best defense. Molding young minds, teaching students to think for themselves, and preparing our children to be productive, positive citizens do not represent "mind altering" or a "new age philosophy." Quite the contrary; they are the goals of the public education system in America. ■

Editor's Note: *Our thanks to the many school districts that provided information and shared experiences for this article, particularly to the School District of Oconee County (Walhalla, South Carolina). Thanks also go to the National Association of State Boards of Education for assistance in the preparation of this article. NASBE's publication, Education Counsel (September 1991 issue, "Curriculum Challenges: Decisive or Divisive" by Kathryn Wells Murdock), provided information on court cases and suggestions for dealing with curriculum challenges.*

ORGANIZATIONS THAT CAN HELP

People For the American Way
2000 M Street, NW
Suite 400
Washington, DC 20036
(202) 467-4999

National Coalition Against Censorship
2 West 64th Street
New York, NY 10023
(212) 724-1500

Education Commission of the States
707 17th Street
Suite 2700
Denver, CO 80202
(303) 299-3600

Office of Intellectual Freedom
American Library Association
50 East Huron Street
Chicago, IL 60611
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